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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/989,823 | 11/20/2001 | Richard F. Nelson | 2152 | 2091 |

32719 7590 08/26/2004

GATEWAY, INC.
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EXAMINER

VO, HUYEN X

ART UNIT PAPER NUMBER

2655

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/989,823 | Applicant(s) NELSON, RICHARD F. | |
| | Examiner Huyen Vo | Art Unit 2655 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/20/01 & 4/11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-8, 10-17, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Everett (US Patent No. 6701162).
3. Regarding claim 1, Everett discloses a handheld computing device comprising: a receiver capable of receiving voice communications (*24 in figure 2*); a speaker coupled to the receiver, wherein the speaker is capable of outputting the voice communications as audible speech (*16 in figure 1, and 24 and 32 in figure 2*); a speech-to-text processor coupled to the receiver, wherein the speech-to-text processor is capable of converting the voice communications to text (*STT 34 in figure 2*); and a display coupled to the speech-to-text processor, wherein the display is capable of displaying the text corresponding to the voice communications (*30 and 34 in figure 2*).
4. Regarding claim 8, Everett discloses a handheld computing device comprising: an input/output device for inputting text (*elements 28-32 in figure 2*); a transceiver

capable of receiving and transmitting voice communications (*element 24 in figure 2*); a speaker coupled to the transceiver, wherein the speaker is capable of outputting the received voice communications as audible speech (*speaker 16 in figure 1*); a speech-to-text processor coupled to the transceiver, wherein the speech-to-text processor is capable of converting the received voice communications to text (*elements 24 and 34 in figure 2*); a display coupled to the input/output device and the speech-to-text processor, wherein the display is capable of displaying the input text and the text corresponding to the received voice communications (*elements 28-34 in figure 2*); and a text-to-speech processor coupled to the input/output device and the transceiver, wherein the text-to-speech processor is capable of converting the input text to speech for transmission by the transceiver (*TTS 36 in figure 2*).

5. Regarding claim 16, Everett discloses a method of communicating comprising: receiving cellular voice communications in a handheld computing device (*element 24 in figure 2*); converting the voice communications to text (*element 34 in figure 2*); and displaying the text on a display screen of the handheld computing device (*display 30 in figure 2*).

6. Regarding claim 20, Everett discloses a method of communicating comprising: receiving cellular voice communications in a handheld computing device (*element 24 in figure 2*); converting the voice communications to text (*element 34 in figure 2*); displaying the text on a display screen of the handheld computing device (*display 30 in*

figure 2); receiving text communications from a user of the handheld computing device (*keypad 28 in figure 2*); converting the text communications to voice signals (*TTS 36 in figure 2*); and transmitting the voice signals (*element 24 in figure 2*).

7. Regarding claims 3 and 10, Everett further discloses that the receiver/transceiver comprises a cellular modem integrated into the handheld computing device (*Communication Interface 24 in figure 2 is considered as cellular modem*).

8. Regarding claims 4 and 11, Everett further discloses that the handheld computing device is coupled to a cellular telephone, and the cellular telephone provides the voice communications to the receiver (*col. 3, ln. 31-46*).

9. Regarding claims 5, 12, and 19, Everett et al. further discloses that the voice communications are in digital format, and further comprising a digital-to-analog converter capable of converting the digital voice communications to analog signals compatible with the speaker (*Cellular communication of today are often in digital format and the Audio Interfaces 32 in figure 2 inherently include DAC and ADC*).

10. Regarding claims 6 and 13, Everett further discloses a speech-to-text processor comprises one of: software capable of being executed by a microprocessor from a memory and an integrated circuit chip (*col. 3, ln. 21 to col. 4, ln. 38, cellular phones of today inherently includes a processor and integrated chips*).

Art Unit: 2655

11. Regarding claim 7, Everett further discloses that an input/output device is coupled to the display and capable of receiving input (*elements 28-32 in figure 2*).

12. Regarding claim 14, Everett further discloses that the input/output device comprises at least one of: a virtual keyboard displayed on a touch pad, a plurality of keys, and a port for coupling an external device to the handheld computing device (*Keypad 12 in figure 1, a port is inherently included in any modern cell phone*).

13. Regarding claim 15, Everett further discloses that the handheld computing device comprises a personal digital assistant (*col. 2, ln. 35-43*).

14. Regarding claim 17, Everett further discloses that the step of outputting the voice communications as audible speech on a speaker of the handheld computing device (*col. 2, ln. 18-34*).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett (US Patent No. 6701162).

17. Regarding claims 2, 9, and 18, Everett et al. do not specifically disclose that the receiver/transceiver is capable of receiving the voice communications in digital and analog formats. However, the examiner takes official notice that digital and analog communications are well known to a person of ordinary skill in the art. The advantage of the digital communication is to protect voice signal from background noise, and the advantage of the analog communication is to eliminate the need of complex communicating systems.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Handlos (US Patent No. 5475798) discloses a speech to text converter that is considered pertinent to the claim invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo

August 17th, 2004



W. R. YOUNG
PRIMARY EXAMINER